

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

U.S.A. vs. Robert Lopez Webb

Docket No. 4:01-CR-1-3H

Petition for Action on Supervised Release

COMES NOW Dewayne L. Smith, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Robert Lopez Webb, who, upon an earlier plea of guilty to 21 U.S.C. § 846, Conspiracy to Distribute and Possess With the Intent to Distribute At Least 50 Grams or More of Cocaine Base, was sentenced by the Honorable Malcolm J. Howard, U.S. District Judge, on June 12, 2001, to the custody of the Bureau of Prisons for a term of 84 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.

Robert Lopez Webb was released from custody on February 15, 2007, at which time the term of supervised release commenced. On March 25, 2008, the court was notified in a Violation Report that Webb was charged in Nash County, North Carolina, with Driving While License Revoked on March 19, 2008. The defendant admitted his guilt. He was verbally reprimanded and instructed to discontinue driving until properly licensed.

On August 15, 2008, the defendant was charged in Nash County, North Carolina, with Driving While License Revoked after being stopped by Trooper F.D. Odom of the North Carolina Highway Patrol (08CR704083). Webb admitted his guilt, and as a sanction for this violation, the court modified his conditions to include the following special condition:

1. The defendant shall be confined in the custody of the Bureau of Prisons for two days as arranged by the probation officer and shall abide by all rules and regulations of the designated facility.

On November 26, 2008, the defendant was charged in Nash County, North Carolina, with Driving While License Revoked and Expired Registration Card/Tag after being stopped by Officer L.W. Harrell of the Rocky Mount Police Department (08CR706213). Webb admitted guilt, and as a sanction, the court ordered the following special condition:

2. The defendant shall be confined in the custody of the Bureau of Prisons for five consecutive days as arranged by the probation officer and shall abide by all rules and regulations of the designated facility.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: During a home inspection on February 22, 2011, the defendant submitted to an instant urine screen that was positive for cocaine. Webb denied use, and the specimen was sent to the lab for confirmation. Confirmation was received, and once confronted, the defendant admitted to the validity of the test. This is the defendant's first positive urine screen. Although the defendant is in the DROPS Program, his current health status, which includes sleep apnea and heart related issues, poses a problem for jail staff. Therefore, as a sanction for this conduct, we are recommending that Webb be placed on home detention for a period of 30 days. Additionally, he will be placed in our Surprise Urinalysis Program. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 30 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

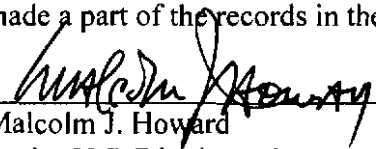
I declare under penalty of perjury that the foregoing is true and correct.

/s/Dewayne L. Smith
Dewayne L. Smith
U.S. Probation Officer
1760 Parkwood Blvd., Room 201
Wilson, NC 27893-3564
Phone: (252) 237-0788
Executed On: April 4, 2011

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ORDER OF COURT

Considered and ordered this 4th day of April, 2011, and ordered filed and made a part of the records in the above case.



Malcolm J. Howard
Senior U.S. District Judge